ORLEANS PARISH GRAND JURY
SPECIAL INVESTIGATION

BURTON G. KLEIN Oct. 19, 1967

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OCTOBER 19, 1967

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PRESENT: MR. RICHARD BURNES, MR. JAMES ALCOCK,
MR. NUMA BERTEL, MR. ALVIN OSER

MEMBERS OF THE ORLEANS PARISH GRAND JURY

BURTON G. KLEIN

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Reported by:
Maureen B. Thiel
Secretary
Orleans Parish Grand Jury

BURTON G. KLEIN, after being duly sworn by the Foreman of the Orleans Parish Grand Jury, was questioned and answered as follows:

FOREMAN:

Mr. Klein I believe you sent us a letter in the past in which you stated that you had some information that you wished this Jury to have.

A. Yes sir, I did.

Q. Will you proceed to give us that information.

A. I am here to tell you that in view of the hour I may be speaking for some considerable period of time if you have no objections.

Q. We have from now on.

A. I presume that I am being called here today in response to my request?

Q. Yes, so far as I know.

A. Gentlemen, before I begin I would like permission, provided you approve, if I may have the opportunity to speak without interruptions, if possible, and when I am finished I will answer any question on any subject.

MR. BURNES:

I do not want to set a pattern, but let me state at this time that as an Assistant District Attorney I have a certain obligation to this Grand Jury, and while I do not intend to interrupt you in anything you are saying

as long,in my opinion as an attorney, that it is a competent matter in which you speak on, that is at any time you attempt to give the Grand Jury information that is hearsay or inadmissible evidence my obligation as Assistant District Attorney will compel me to interrupt and advise them that they can't receive that as evidence. Now I am not saying that you would do such a thing of infer it, I will certainly not interrupt you for the sake of interrupting.

A. Some of the things I am about to say will of necessity be hearsay but I will tell the Grand Jury where the evidence is.

Q. My duty as attorney will cause me to advise the Grand Jury that they cannot receive as competent evidence hearsay, now with that statement in mind I will not interrupt unless I am required to.

A. Well, we will try anyway. Some of the things - I will preface my remarks with some things that may seem irrelevant but I feel that if the entire picture is heard you will appreciate it better. Aside from my name, which is Burton G. Klein, I want to tell you that I was a former District Attorney under Richard Dowling and also a former District Attorney under Mr. Jim Garrison. You may recall that during the Dowling-Garrison campaign

it became very heated and as a matter of fact I campaigned for Mr. Dowling. In spite of that and the fact that Mr. Garrison won, I remained on his staff for a period of four or five months. This does not seem relevant at this time but it will shortly. I resigned from his staff in July of 1962 and I received a routine letter from him saying that he appreciated my services and was sorry I was leaving and he reluctantly accepted my resignation. I also have a letter from Judge Haggerty attesting to my integrity and ability in a job that I did well while District Attorney. I am here for two purposes, 1 - one of my clients has been previously called by the former Grand Jury and a substantial part of his testimony, I believe, as I was not in the room, I gathered in court that he took the Fifth Amendment. I understand and I believe that another one of my clients, Miguel Torres, another client whom I represent, Alvin Beaubouf, a witness also, and rather than go through the situation again I would prefer rather than him taking the Fifth Amendment, to give the Grand Jury a bird eye's view of the situation involving Alvin Beaubouf and the situation involving Miguel Torres because the Grand Jury, not being legally trained, would be in a better position to ask my clients

questions as they themselves are uneducated and the D. A.-- my clients will come into the Grand Jury room as accusors, accusing the District Attorney and members of his staff and others of violating the criminal laws.

MR. BERTEL:

Mr. Klein, We are going to have to interrupt you. You are trying to accomplish right now what you know legally you cannot do, accompany your client into the Grand Jury room. We are obligated under the law to advise the Grand Jury that this is just not the law.

MR. BURNES:

Gentlemen, as a matter of fact, a Grand Jury is not a court room where a counsel for a defendant is entitled to bring his case in - a lawyer may not appear and controvert evidence presented by a District Attorney in a Grand Jury room. Now whether that is a good system or not, that is the law. Now, if he wants to testify ....

A. I know you don't try any cases - so what difference would it make if you had facts before you that you could develope.

Q. We are interested only in facts.

A. I am about to present to you crimes that have been committed by the District Attorney's Office, you don't want to hear them?

JUROR:

You say these men are coming in here?

A. One has already appeared before a previous Grand Jury and I was told he is coming back.

Q. I would prefer to listen to your client, rather than to you.

A. But you are a continuing body.

Q. The last Grand Jury tried three times to get his client to talk.

A. This is a unique situation, these men are coming into this Grand Jury room as accusors, you do not have the knowledge to ask these clients questions.

JUROR:

Why don't we have the knowledge?

A. You haven't been legally trained to ask these questions ....

Q. Why should we set a precedent for you and no other lawyer?

FOREMAN:

We don't have to ask questions, if they come in here to give us evidence we will sit here and listen to it.

But they don't need to send you for them.

Q. Do you have any personal, direct evidence?

A. Well, let's see if we can go into something direct.

Q. Be specific, something of your own personal knowledge. Not what someone said, but something from personal observation.

A. I have before me evidence of crimes that have been-- that have been committed by .....

MR. ALCOCK:

Q. Do you have any personal observation or personal knowledge of crimes of the members of the District Attorney's Office?

A. No.

Q. Then I don't think the Grand Jury ought to hear you. The best evidence is your client. Do you want to send in your client - you are not the best evidence.

A. You are telling me now that I cannot present this Grand Jury with evidence that has been gathered?

Q. We certainly are. We would be happy to hear from your clients.

A. My clients are coming in as the accusors. Who will direct questions to them?

Q. Who ever happens to be in the Grand Jury room, at the time.

A. Even if they are the accusors, is that right?

Q. The Grand Jury is being accused?

A. No, I am not saying the Grand Jury - unless I am mistaken I don't think any one of them has been legally trained.

Q. You may not have confidence in the Grand Jury, but we do.

JUROR:

I believe you ought to leave, Mr. Klein. You aggravate me.

A. You are aggravated? Well, I am aggravated too.

Q. Well, that is your problem, I don't want to hear your problem.

A. My problem? Its a problem for the whole community. I thought you were here representing the community.

Q. Let us see the man or men who are making these charges.

Q. Mr. Klein, didn't you express lack of trust in the last Grand Jury as to their taking any independent action?

A. That is correct.

Q. And you, as an attorney and a former Assistant District Attorney, didn't you know that everyone, the court reporter, the District Attorneys and everyone is put out of the Grand Jury room when they deliberate? And only the Jury themselves know how they vote?

A. Yes, that is correct.

JUROR:

Mr. Klein you are giving us the idea that you have no confidence in us before yourclient even gets here.

A. No, that is not what I am saying at all. I am saying that I have evidence - now I didn't see it - but I am going to tell you of certain things that happened ....

MR. BERTEL:

Q. I am sorry, Bert, I am going to have to interrupt you, the only thing I can suggest is that in a few years you run for District Attorney and if you are elected you can come in here and bring your people in.

FOREMAN:

Do you have some witnesses you want to bring in?

A. Well, let's do it this way then.Let me give you a list of witnesses that you can call.

Q. All right. Give them to us.

A. Alvin Beaubouf, his wife, Mrs. Alvin Beaubouf, Lyn Loisel, Jim Garrison, Supt. Giarrusso, Presley Trosclair, ...

Q. We have had Supt. Giarrusso.

A. Not to talk about what this is.

Q. How do you know what they talked about in here?

A. In fact, you did ask one witness what went on in the Grand Jury room?

A. What witness was that?

Q.Miguel Torres. You asked him what went on in the Grand Jury room. And what he was asked.

A. We discussed questions. And he told me what was asked. He came out to seek my advice.

Q. You asked him what he answered too, didn't you?

A. I may have. I was his counsel, I still am.....

.... Hugh Exnicios, you can call him in the first one.

Q. You are talking about crimes in Orleans Parish?

A. That is right. I think crimes have been committed in Orleans Parish - and you might request that he bring a tape recording with him. And that offense led to other offenses. And to know the other offenses you have to have the general picture, although admittedly some of the things took place outside this Parish. It might be necessary to call an audio engineer for the tape recording. There is a picture in the possession of the District Attorney of Alvin Beauboef and an affidavit signed by Alvin Beauboef, which is in possession of the District Attorney's office.

FOREMAN:

What did Alvin Beauboef do?

A. He runs a service station.

Q. He didn't kill anyone, or rape anyone? I don't see how ....

Q. Are you talking about public bribery?

A. Public intimidation, malfeasance and misfeasance, public bribery, against public officials.

Q. You are making these allegations?

A. No, these witnesses.

Q. You represent all these people?

A. No Miguel Torres and Alvin Beauboef.

FOREMAN:

Is that all you had in mind when you wrote the letter?

A. No, I am not at liberty to say anymore.

Q. You are at liberty to say anything you want to.

A. No, I can't.

Q. No, say anything of any personal knowledge you have and I think it will be heard fairly.

A. Well the purpose of my appearing here was to give you a picture of what I have , not as evidence but a picture of what occurred so that you could say now we have a rounded out picture surrounding Miguel Torres and Alvin Beauboef so let's find this out and call these witnesses.

FOREMAN:

W Well, are those .....

A. I can see you are concerned - you've got this list of witnesses - so what?

Q. What have they done?

A. Its hard to tell, sir.

Q. Well, the witnesses can come in here, they speak English, don't they?

A. Yes they speak English. Some speak slightly, some do not have much of an education ...

Q. Do you think they would not be treated fairly if they come here?

A. No sir

Q. You don't think so?

A. No sir - I don't say that to be disrespectful. Even though Mr. Burnes said I did not respect the last Grand Jury .....

Q. No sir, I did not say that, I said did you tell me that - I didn't say you didn't respect them, I said did you tell me that.

A. I lost confidence in them, yes. I said that. No question about that. I can understand that, it is not their fault. And I can understand why this Grand Jury is reacting as it is. Its not their fault and I don't say it disrespectfully.

JUROR:

Mr. Klein I am getting fed up with people saying they have no confidence in the Grand Jury and I don't like to sit in the Grand Jury room and hear it either.

A. Well, I am not allowed to say anything.

Q. You must know the law, you were a D. A. If these people are not right let's get rid of these people.

A. I don't know.

Q. You don't know. You are a lawyer representing people and you don't know. Don't you have a book to read that tells you if they are right or wrong. Did you ever lose a case?

A1 Yes, I have lost some.

Q. Did you ever win one?

A. Yes, I have won some. I just can't believe that this Grand Jury can't hear evidence - things of a nature that are not direct evidence - I am not in a position to give you direct evidence. I have a list of names - they mean nothing, absolutely nothing - you don't know what it is all about. You won't/know how to ask any questions-

Q. They don't know what they want to tell us? Presumably they are coming in with accusations.

Q. Why don't you write a letter with these accusations.

A. I would be doing indirectly what I can't do directly.

Q. If these people can tell you they can tell the Grand Jury. They are entitled to tell their story - and I am sure the Grand Jury will listen to them and ask questions

A. I am still saying they are not lawyers.

Q. If a man comes into this Grand Jury room with a limited education - you said we are not trained lawyers - then wouldn't we be better equipped to understand them than you. We don't have legal minds and legal educations - but in our walks of life we are dealing with these people daily - in our businesses - wouldn't we be able to understand them much better than you can understand them?

A. No, you do not understand, that is not what I am saying.

Q. Maybe you misinterpret them. Maybe you miss the point.

Q. No, I think he got the point.

Q. I am dealing with laymen and ignornant, illiterate- you say - people every day. And I know I am better qualified than you, a trained lawyer - that is why the Grand Jury is made up of plain people.

A. If you are not legally trained you would not be able to direct the line of questioning and get at the meat of the matter.

MR. BERTEL:

Q. You were telling the truth when you said you did not know what goes on in the Grand Jury room because they do it every day. And they bring in indictments every day. And they bring in true bills every day - they deliberate alone and make decisions alone.

A. But one situation has changed.

Q. What?

A. These men have made allegations - and allegations have been made in National magazines.

Q. Then why can't they come in and make the allegations to us?

MR. BURNES:

We have tried to get some one to come in from a National magazine - we have writs in the Supreme Court right now - we are trying to bring our accusers in. This Grand Jury wants to hear that information whether its for or against us. It doesn't make any difference.

A. They have the articles. The articles were published and statements made - allegedly made by .....

Q. You know that is not competent evidence and you know that any course of action that this Grand Jury takes relying on evidence that has not been properly identified or properly attested to, such as a magazine, would result in any action they take being quashed, such as an indictment. If you sent in a magazine and they read it and indicted me on a magazine article ....

A. I wouldn't indict you on a magazine article, but if there is a serious allegation of an offense which took place in Louisiana you/are apparently doing it, I think ....

Q. Orleans Parish, not Louisiana.

A. .... by what is happening in the so-called organized and syndicated crime, an article is written and it started an investigation and you are calling witnesses in.

Q. We are not calling magazine pages, we are calling people.

A. That's right, another allegation was made in another magazine and nothing has been done about it.

Q. Listen to the facts.

Q. You are telling the Grand Jury something is wrong,if you are referring to the Beauboef matter because the New Orleans Police Department investigated it - and you know it.

A. That's right and nothing was done about it. I am aware it was brought to the New Orleans Police Department.

Q. It was put on the line and investigated by the Chief Deputy of Police - Major Trosclair - and I don't call that .....

Q. The District Attorney of Jefferson Parish is the only one who has jurisdiction in the case.

A. Well, I disagree with that.

Q. You disagree with everybody and you like to come in and

tell the story instead of the witness.

A. If I am wrong tell me to leave.

Q. You are wrong.

FOREMAN:

Tell me this, is the wrong you had in mind a capital crime?

A. No sir.

Q. Is it related to rape?

A. No sir.

Q. Murder?

A. No sir. I came in here not to insult you or abuse you, I came in here with honorable intentions, I felt I was doing something that I had to do for my client. Now if I am not permitted to do it I don't want the Grand Jury to think I came in here to insult and abuse and push anybody over. I felt that to protect my client's interest that I should appear before them. Now if I can't do it, fine .....

Q. JUROR:

Thank you very much, we look forward to hearing from your clients.

Q. Mr. Klein, this case which was investigated by the Police Department, what was the findings of the Police Department and the conclusion?

A. That no crime was committed.

Q. Is this the same case you are bringing before us?

A. That's right.

Q. Again?

A. Part of it. I disagree with the Police findings.

Q. You think the Police whitewashed it?

A. In my opinion, yes. And I think very competent men, and highly trained and skilled lawyers think that way too, so I don't think that I am sitting here by myself.

MR. BURNES:

Mr. Klein, did you appear before Major Trosclair?

A. That's correct.

Q. And you are unaware that no attorneys appeared with the officers from the D.A.'s office or otherwise who appeared before Major Trosclair, they appeared by themselves.

A. I don't know. If you say so.

Q. That is correct. You don't know that.

A. That is correct, I am saying I don't know that.

Q. I think the time has come for the ruling that unless he has more information than he has given - he has given us some witnesses and if you choose to subpoena them we will get out the notices.

A. I think it would accomplish nothing.'

Q. That is ridiculous - you say they are the accusers and they would come in with their story - what is so complicated about that? They can give the Grand Jury the same thing they gave you.

A. They weren't the victims of a crime - the State of Louisiana was the victim.

Q. So what? The State of Louisiana is the victim in every case. They have a story, they made accusations, let them come in here. If the accusations are sufficiently backed up with evidence and the definition of the crime fits the facts these gentlemen and this lady will indict. What's so complicated? I think its simple. Beauboef certainly ought to know what is going on by now.

A. Well .....

FOREMAN:

Mr. Klein, this Jury has no more - makes no distinction between Mr. Beauboef or anybody else - so far as we know he is just another citizen. All we want is facts.

A. Well, sir, its frightening that you haven't any.

Q. Frightening? What did he do?

A. Thank you gentlemen. I am sorry if I offended you, I did not do it intentionally.

FOREMAN:

No one is offended. Thanks for coming by and thanks for your letter.

C E R T I F I C A T E

I certify that the preceding transcript is a true and correct copy of the testimony given, under oath, before the Orleans Parish Grand Jury, on the 19th day of October, 1967, and reduced to typewriting by me.

Maureen B. Thief